

Docket No.: **11590/9-1268**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Applicant: Leonard E. Marchese

Conf. No. 1815

Serial No.: 09/613,980

Group Art Unit: 2151

Filed : July 11, 2000

Examiner: Khanh Q Dinh

For : ELECTRONIC SPACE AND METHOD FOR
FACILITATING PROBLEM SOLVING

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed on May 30, 2008, the applicant encloses a replacement paper supplying the Issues section of the Appeal Brief, to correct a typographical error in a patent number. Per MPEP 1205.03(B), an entire new brief is not needed.

Further, the examiner should not have issued the notice of non-compliance, as MPEP 1205.03(B) specifically states that "The examiner should not require a corrected brief for minor non-compliance in an appeal brief (e.g., the brief has a minor error in the title of a section heading)." Accordingly, the applicant has filed a petition to address the examiners' abuse of discretion in this case.

The required fee for filing the Appeal Brief was paid with submission of the first Appeal Brief on May 4, 2005. A one month extension of time fee is being paid herewith. No other fee is believed to be due at this time, however, should any fee be due, the Commissioner is authorized to charge any deficiency or credit any excess to Deposit Account No. 04-0838.

Dated: July 29, 2008

Respectfully submitted,

_____/WJS/
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